

JOHN W. LEWIS.

MARCH 19, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HANLY, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 509.]

The Committee on Claims, to whom was referred the bill (S. 509) for the relief of John W. Lewis, of Oregon, have had the same under consideration and report it back to the House with the recommendation that it be passed.

The facts are as follows:

Thomas W. Slusher, the receiver of the land office at The Dalles, Oreg., died April 3, 1890, and his successor did not qualify and enter upon the duties of his office until July 7, 1890.

Mr. Lewis was register of said office during said period, and as register performed a large amount of work in receiving and filing entries, etc., pending the appointment of a receiver, for which work he has never been adequately compensated. Your committee is of opinion that he earned and should be allowed the sum of money carried in said bill, to wit, \$571.97.

We submit herewith the following letter from the Commissioner of the General Land Office under date of October 31, 1893, and addressed to the Honorable Secretary of the Interior:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
*Washington, D. C., October 31, 1893.*

SIR: I have the honor to acknowledge receipt by reference from Hon. William A. Sims, First Assistant Secretary, of the 27th ultimo, House bill No. 2117, entitled "A bill for the relief of John W. Lewis, of Oregon," submitted by Hon. Thomas C. McRae, chairman of the House Committee on the Public Lands, and referred to me as above for report in duplicate.

Mr. Lewis was allowed the full compensation to which he was entitled under the law, which was salary at the rate of \$500 per annum (see section 2237 Revised Statutes, page 392), amounting to \$103.03 according to Government salary table.

Under section 2243, Revised Statutes, page 393, the compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they respectively enter on the discharge of their duties.

Mr. Thomas W. Slusher, the receiver at The Dalles, Oreg., died April 3, 1890, and his successor did not qualify and enter upon duty until July 7, 1890.

From April 3 to July 7, 1890, the office was practically closed so far as the transaction of public business was concerned, because under the law it requires the joint action of both register and receiver to transact any business.

Under the law registers have no authority to receive any moneys whatever, except such as are paid them by receivers as salary, fees, and commissions.

Sections 2238, 2239, and 2240, Revised Statutes, pages 392 and 393, prescribe the fees and commissions to which the registers and receivers are legally entitled in addition to salary, and as no moneys had been officially received at The Dalles, Oreg., land office from April 3, fiscal year 1890, until July 7, 1890, fiscal year 1891, there were no fees and commissions to which Mr. Lewis was entitled that could be applied to pay him from April 3, 1890, to June 30, 1890, fiscal year 1890.

In conclusion, I would respectfully refer you to what my predecessor states in his letter to Hon. Joseph N. Dolph, dated September 30, 1891:

"There is no doubt that Mr. Lewis as register performed a large amount of work during the period from April 17 to June 30, 1890, in receiving and filing entries, etc., pending the appointment of a receiver, and for which he had been inadequately compensated; but this office could only allow him what the law and the reviewing officer's (the Honorable First Comptroller of the Treasury) interpretation of the law decided that he was legally entitled to."

All papers are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner*.

The SECRETARY OF THE INTERIOR.

We also adopt and file as a part of our report Senate Report No. 185, made on this bill by Senator McBride. Said report reads as follows:

**Senate Report No. 185, Fifty-fourth Congress, first session.**

The Committee on Public Lands, to whom was referred the bill (S. 509) for the relief of John W. Lewis, of Oregon, having had the same under consideration, recommend the passage of the bill.

The committee adopts the report of this committee on a similar bill, made at the first session of the Fifty-second Congress.

Senate Report, No. 108. Fifty-second Congress, first session.

The Committee on Public Lands, to whom was referred the bill (S. 1106) for the relief of John W. Lewis, of Oregon, make the following report:

John W. Lewis was appointed register of the Land Office at The Dalles, Oregon, and qualified and entered upon the discharge of the duties of the office April 17, 1890. Thomas W. Slusher, receiver of the land office in that land district, died April 3, 1890, and his successor was not appointed and qualified until July 7, 1890. As no business for which fees could be received could be transacted while there was a vacancy in the office of receiver, there was no money received at the land office from April 17 to July 7, 1890. The salary of register is \$500 per annum and an allowance from fees and commissions earned to make the maximum compensation \$3,000 per annum.

The amount of fees and commissions earned at The Dalles office for the years 1889, 1890, and 1891 entitled the register and receiver at The Dalles to the maximum compensation from April 17 to July 7, 1890. Mr. Lewis kept the land office open and was constantly employed in the transaction of such business as could be transacted without the presence of a receiver. During that period a large number of applications to purchase lands, accompanied by cash deposits, were made, a list of which are hereto attached, marked A. The character of these services is thus stated by Mr. Lewis in a letter addressed to the honorable Commissioner of the General Land Office dated September 22, 1891:

During the interval between April 3 and July 7, 1890, when there was no receiver, there were presented at this office, in person or by mail, between three and four hundred communications containing money, bank checks, postal money orders, and postal notes to the amount of over \$10,000, for all of which I was responsible.

Included in these were the following applications to enter: T. C., 47; Hds., 50; under D. S. act, 3; Timber and Stone, 2; Preëmp. D. S., 77; and the following proofs were offered: T. C., 10; Preëmp., 48; and Hd., 61.

Many of these applications to enter were made in person, and many of the proofs offered had been advertised to be made before register and receiver on dates from April 3 to July 7. The affidavits in such applications were sworn to before the register, as was the testimony in the cases presented for final proof on the dates when presented. This can hardly be classed as simply "clerical."

As a matter of justice to claimants a list of all papers was made giving name, date, and amount of money inclosed, and the papers were deposited in the vault of one of the national banks in this city. This was done to prevent the numerous contests it was feared might ensue on questions of prior right of entry had these papers been returned to claimants till such time as a receiver should have been appointed, and to prevent the necessity of claimants having to republish had not their testimony been taken on the day set.

When the present receiver, Col. T. S. Lang, receipted July 7, 1890, this list was taken up and applications and proofs acted on in the order in which they had been presented and were disposed of as fast as possible, and the amount of fees and commissions to register and receiver were, in consequence of this delayed work, swelled in the following (third) quarter to \$2,141.67, and for the fourth quarter to \$2,761.12, all of which, over \$1,500 for each quarter, was retained by the honorable Commissioner as by law directed.

During the four months of April, May, June, and July the register had no assistance save one clerk, and is as deservedly entitled to full pay for the part of quarter ending June 30, 1890, as for any other quarter, having practically done the work of both officers during that time.

It was held by the Commissioner of the General Land Office that Mr. Lewis was entitled only to his salary for the period because no fees or commissions were earned during the vacancy in the office of receiver. If there had been a receiver during the period both the register and receiver would have been entitled for the entire year to a salary of \$3,000. The work performed by the register during the said period advanced the business of the office and helped to swell the aggregate of fees and commissions for the year. In a letter from the honorable Commissioner of the General Land Office to the present chairman of this committee, which is hereto attached, he says in regard to this claim:

There is no doubt that Mr. Lewis as register performed a large amount of work during the period from April 17 to June 30, 1890, in receiving and filing entries, etc., pending the appointment of a receiver, and for which he has been inadequately compensated, but this office could only allow him what the law and the reviewing officers, the honorable First Comptroller of the Treasury, interpretation of the law decided that he was legally entitled to.

Your committee recommend that the bill do pass.

"A."

*List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890.*

Date.	Name.	Deposit.	Application.	Amount.
Apr. 14	Geo. N. Mannay .....	.....	T. C. app.....	\$14.00
16	Frank Forrest .....	.....	T. C. app.....	14.00
17	— Cunningham .....	.....	T. C. app.....	14.00
18	M. F. Porter .....	.....	D. S. ....	3.00
18	R. C. Swaggart .....	.....	T. C. ....	14.00
18	Andrew Anderson .....	.....	D. S. ....	3.00
19	Donald McRae .....	.....	T. C. ....	.....
21	Jno. V. O'Leary .....	.....	D. S. ....	3.00
21	W. J. Harragh .....	.....	Hd. ....	16.00
21	N. Donnelly .....	.....	Hd. proof.....	33.38
21	G. W. Stewart .....	.....		
21	H. C. Paulsen .....	.....	Hd. ....	16.00
22	Robt. L. Kilbourn .....	.....	D. S. ....	3.00
22	Calvin M. Smith .....	.....	D. S. ....	3.00
22	William Tonnoh .....	.....	T. C. ....	14.00
23	Julia Lyman .....	.....	T. C. ....	15.00
23	And. M. Petterson .....	.....	Hd. ....	18.15
23	Chas. P. Johnson .....	.....	Preëmp. proof.....	200.00
23	Uriah P. Ridgway .....	.....	Preëmp. proof.....	200.00

*List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890—Continued.*

Date.	Name.	Deposit.	Application.	Amount.
Apr. 23	Geo. M. Simpson		Pub. notice	\$7.00
23	R. W. Jones		Pub. notice	7.00
	Maguire			\$7.00
	Anderson			7.00
23	Tobey			7.00
	Jackson			6.00
	(Contest)			1.00
	Briars			7.00
23	Duncan McRae			8.00
24	Mary C. Shaw		D. S.	3.00
25	Amory S. Collins			
25	C. B. Allen	Chk	Contest	29.00
26	Oscar C. Maxwell		D. S.	3.00
26	James Collins		Publication	7.00
26	Edw. F. Horn	Chk	T. C.	14.00
26	Riley M. Horn	Chk	T. C.	14.00
26	John W. Brown	Chk	T. C.	14.00
26	Frank Cramer	Chk	Hd.	16.00
26	Joseph Whyte	Chk	Publication	7.00
26	Avery G. Scoggin	Chk	D. S.	3.00
26	Eliza B. Backus		Hd. appn	16.00
26	Maria Spear		Hd. appn	16.00
26	John Pradeu	P. O.	Hd. appn	16.00
26	George Moore		D. S.	3.00
29	John E. Moore	Chk	Preemp. proof.	200.00
29	Adam P. Barnett	P. O.	D. S.	3.00
29	J. M. Piper, Warfield McNab		Hd. proof	25.82
29	Geo. Phillips, W. P. French		Hd. Proof	16.95
29	Jos. O. Warmoth	Chk	Preemp. proof.	200.00
29	Peter Conroy & Mary A. Fairchild		Con. proof	10.00
29	Jos. Shields	Chk	Not. of proof	7.00
30	John W. Roach	Chk	D. S.	3.00
30	J. M. Chapman		D. S.	3.00
30	Malinda Hymer	P. O.	Hd. app.	16.00
30	Daniel B. Leathers	P. O.	Hd. app.	16.00
30	Henry Howell	P. O.	D. S.	3.00
30	Frank Sankey	Chk	T. C.	14.00
30	Orace G. Collyer	P. O.	Hd. app.	16.00
30	Jno. W. Montgomery	P. N.	D. S.	3.00
30	T. C. Neece		Fl. hd	No money
30	Jas. Linton	Cash	Hd. apl	16.00
30	Jos. Turner	Cash	Hd. apl	16.00
May 1	Luther Houston	P. O.	T. C.	14.00
1	J. W. Redford	P. O.	Final T. C.	4.00
1	T. J. Powell	P. O.	Final hd	7.50
1	Loren J. Fane	P. O.	D. S.	3.00
2	Linfon C. Keethley		Pub. notices	7.00
2	John F. Spray		Pub. notices	7.00
2	W. J. Emmett		Pub. notices	7.00
2	Mary Jane Brookhouse		D. S.	3.00
2	Henry B. Deerbake	P. O.	Hd. ap	16.00
2	Howard C. Dodson	Chk	D. S.	3.00
2	Wm. Reiminger	P. O.	D. S.	3.00
3	W. G. Childers		Proof	7.50
3	Zachariah J. Marten	Chk	D. S.	3.00
3	Charles T. Scroggin	Chk	T. C.	14.00
5	Geo. J. Dyer		Proof fees	14.00
5	Peter D. Borg		Proof fees	14.00
5	Manon W. Osborn		Proof fees T. C.	4.00
5	Frank Sankey		Hd. app	16.00
5	Rod'k N. Donnelly		Hd. app	16.00
5	Jeddy Brown		Hd. app	16.00
5	Thos. J. Davidson		D. S.	3.00
6	Creighton Keeney		D. S.	3.00
7	Geo. M. Holmes		Hd. app	16.00
7	James H. Wyland	P. O.	Hd. app	16.00
8	J. W. Conger	Chk	Hd. proof	8.73
8	Schmidt & Powell	Chk	Pre. proof	200.00
9	J. S. Turner	Chk	T. C. entries	28.00
9	J. W. Pigg	Chk	Hd. proof	8.25
9	A. G. Matthews	Chk	Hd. proof	8.50
9	W. J. Edwards	Chk	Hd. proof	8.50
9	C. J. Quinn	Chk	Hd. proof	8.50
9	Wm. Wehrir	Chk	Hd. proof	8.70
9	Wm. Nortridge	Chk	Hd. proof	8.20
9	Laura E. McConnell	Chk	Hd. proof	8.25
9	J. H. Nelson	Chk	Hd. proof	8.25
9	Richard Nelson	Chk	Pre. proof	200.00
9	Rufus Ring	Chk	Pre. proof	200.00
9	Louis P. Davidson	Chk	Pre. proof	200.00

*List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890—Continued.*

Date.	Name.	Deposit.	Application.	Amount.
May 9	Jos. Kleoker .....	Chk	Pre. proof .....	\$200.00
9	E. B. Smith .....	Chk	Hd. app .....	15.00
9	J. G. King .....	Chk	Hd. app .....	16.00
9	Ed. Dunn .....	Chk	Hd. app .....	16.00
9	Wm. M. Anderson .....	Chk	Con. notices .....	17.00
9	Julia Paul .....			
9	Lucian Paul .....			
9	F. D. Cornett .....	Chk	Proof notice .....	7.00
9	J. K. Frazer .....	Chk	Proof notice .....	7.00
9	D. B. Thomas .....	Chk	Pre. proof .....	200.00
9	Hugh M. Corten .....	C. D	Pre. proof .....	200.00
9	Hiriam Smith .....	P. O	D. S .....	3.00
9	Albert Munger .....	P. O	D. S .....	3.00
9	John F. Cunningham .....	Coin	T. C. app .....	10.00
9	Jas. S. Smith .....	P. O	D. S .....	3.00
10	Frank M. Farris .....	Ck	Pub. fee .....	7.00
10	Warren Wells .....	Cash	Hd. app .....	16.00
12	— Schwartz .....	Cash	Pub. proof .....	7.00
12	— Roberts .....	Cash	Pub. proof .....	7.00
12	L. L. Minton .....	Cash	Pub. proof .....	7.00
12	Henry Sparling .....	Cash	Hd. app .....	16.00
12	Trent Wilson Johnson .....	Ck. & cash	Hd. app. and D. S .....	22.50
13	C. C. Massiker .....	P. O	D. S. proof .....	200.00
13	Wm. G. Keys .....	Ck	D. S. proof .....	200.00
13	Jno. Marck .....	Ck	D. S. proof .....	200.00
14	Martin Reeder .....	Ck	Pub. notice .....	7.50
14	John Bruse .....	P. O	Hd. app .....	16.00
14	Jacob H. Williams .....	P. O	T. C. app .....	14.00
14	Grant White .....	C. D	D. S. proof .....	200.00
15	Jennie D. Miller .....	Ck	Hd. app .....	16.00
15	Jno. B. Butler .....	Cash	Hd. app .....	16.00
15	Benton Kelsey .....	Cash	Hd. app .....	16.00
16	D. W. Bailey .....	C. D	Desert app .....	97.93
16	Wm. B. Childers .....	Ck	D. S. proof .....	200.00
16	Jno. M. Murray .....	Cash	Hd. app .....	16.00
16	Jas. E. Keys .....	Cash	T. C. app .....	14.00
17	Geo. Tatom .....	Ck	D. S. proof .....	200.00
17	Chester Cornwell .....	Post. note	Pub. notice .....	7.00
17	Oryer S. Smart .....	P. O	D. S. notice .....	3.00
19	Jno. Richman .....	Ck	T. C .....	14.00
19	Henry Scherznig .....	P. O	Hd. proof .....	16.67
19	Theo. E. Wood .....	—	Hd. proof .....	16.67
19	Chas. B. Mealey .....	P. O	Hd. app .....	16.00
20	Jno. M. Dollarhide .....	P. O	D. S .....	3.00
20	Allen Crabtree .....	Ck	Hd. app. and T. C .....	30.00
21	Isaac Blaun .....	Cash	D. S. app .....	3.00
21	Davis Meeker .....	Ck	D. S. proof .....	190.00
21	Henry P. Fuslong .....	P. O	D. S .....	3.00
21	S. P. Wilson .....	Ck	Hd. proof .....	8.35
21	Geo. W. Hall .....	Ck	D. S. proof .....	200.00
22	Ezra A. May .....	Ck	Hd. proof .....	8.25
22	J. H. Menefee .....	Cash	Hd. proof, re-pub .....	5.00
23	Jas. Payne .....	P. O	D. S .....	7.50
24	Milton Damon .....	Ck	Hd. proof .....	8.64
24	David C. Baker .....	Ck	Hd. app .....	16.00
26	Daniel H. Roberts .....	Cash	T. C. app .....	14.00
26	Robert Jones .....	Cash	Pub. notice .....	7.00
26	Jno. C. Markley .....	P. O	D. S. app .....	3.00
26	Thos. J. Leach .....	Ck	T. C. app .....	14.00
26	Gertrude E. Sayer .....	Ck	T. C. app .....	14.00
26	Geo. Hardie .....	P. O	D. S. app .....	3.00
26	Geo. M. Wasson .....	Cash	T. C. app .....	15.00
26	Joseph L. Glaze .....	Ck	D. S. proof .....	217.00
26	Cornelius Poina Kindson .....		D. S. app .....	
26	Geo. E. Campbell .....		T. C. app .....	
27	Newton Woodcock .....	Cash	D. S .....	3.00
27	Geo. W. Marvel .....	Ck	Hd. app .....	16.00
27	Mrs. Jerusha Shadduck .....	Ck	D. S. proof .....	200.00
28	Laudren E. Beatty .....	Cash	D. S .....	3.00
28	Andrew Carlson .....	P. O	Hd. pub .....	7.00
28	M. Busie .....	Cash	D. S. pub .....	6.00
29	Jno. C. Campbell .....	Cash	D. S .....	3.00
31	R. J. Fisher .....	Cash	T. C. app .....	9.00
31	Alex. L. Cornett .....	P. O	T. C. app .....	14.00
31	Henry G. Thurston .....	Cash	D. S .....	3.00
June 3	Joseph Harvey .....	P. O	T. C .....	4.00
3	Leroy L. Shelley .....	Ck	H. D. com .....	16.00
4	Isaac M. Davis .....	Cash	Pub. notice .....	6.00
5	Enoch Cave .....	Ck	Com. hd .....	200.00
6	Edward Washburn .....	Cash	H. D. app .....	16.00
6	Jules Edwards .....	P. O	H. D. app .....	16.00

List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890—Continued.

Date.	Name.	Deposit.	Application.	Amount.
June 6	E. C. Fell.....		T. C. proof.....	\$ 4.00
6	Thomas J. Moffitt.....	Ck.....	Hd. proof.....	8.40
6	John A. Scott.....		Hd. app.....	16.00
6	Edw. Washburn.....	Ck.....	Pre. proof.....	209.11
6	Freeman N. Fryer.....	Ck.....	Com. hd. proof.....	201.89
6	John A. Scott.....	Ck.....	Pre hd.....	190.46
6	do.....		T. C. cont.....	5.00
7	Alfred Florey.....	Ck.....	Pre proof.....	201.56
7	J. B. Manley.....		Hd. app.....	16.00
9	Stephen B. Conture.....	P. O.....	D. S.....	3.00
9	Eugene Hulse.....	P. O.....	T. C.....	14.00
9	Geo. Gibbons, for Wm. Gibbons.....			
9	Sam McGiloney.....			
9	Wm. H. Francis.....		Hd. proofs.....	40.27
9	Will Davenport.....			
9	Silas Quigley.....			
9	Geo. Woodruff.....		T. C. app.....	14.00
9	J. C. Hayes.....		D. S.....	3.00
9	T. P. Rice.....		D. S.....	3.00
9	Ella Hall.....		D. S.....	3.00
9	Peter Nesson.....		D. S.....	3.00
10	Alex. Young.....	Cash and P. N.....	Pub. notice.....	7.00
10	Robt. Cates.....		T. C. app.....	14.70
10	Geo. W. Hall.....		D. S.....	3.00
10	Mary J. Griffin.....		D. S.....	3.00
10	Ira Brown.....		Hd. app.....	16.00
11	G. W. Rineheart.....		T. C. app.....	15.00
11	J. G. Dunn.....		D. S.....	3.00
11	Thos. Morgan.....		T. C.....	14.00
11	Wm. Fry.....	P. O.....	Hd. proof.....	9.00
11	A. E. Lawyer.....	Ck.....	D. S. proof.....	200.00
11	Jno. V. Marten.....	Ck.....	D. S. proof.....	200.00
11	Oliver J. Cox.....		T. C. and hd.....	12.50
11	A. T. King.....			
12	Lafayette Lewis.....		Hd. app.....	16.00
12	D. A. Porter.....	P. O.....	Hd. proof.....	8.50
12	Frank V. Ireland.....			
12	A. S. Perham.....	Ck.....	Hd. proof.....	388.26
13	E. Pedigo.....		D. S.....	3.00
13	Elizabeth Mealey.....	Ck.....	Hd. app.....	16.00
13	Grant R. Ashby.....		D. S.....	3.00
13	Joseph B. Ashby.....		T. C.....	14.00
14	Jas. H. Ingraham.....	P. O.....	D. S.....	3.00
14	Emeline McWilliams.....	P. O.....	D. S.....	3.00
16	Paul Carterig.....		D. S.....	3.00
16	W. C. Rutledge.....	Ck.....	Pub. fee.....	7.00
16	Jno. B. Fryrear.....	P. O.....	Hd. proof.....	7.75
16	G. W. Stone.....		D. S. app.....	3.00
16	Wm. H. Rose.....		T. C. app.....	14.00
17	F. D. V. Shrum.....		Hd. app.....	16.00
17	Louis M. Woodside.....		D. S.....	3.00
17	Max Looney.....		D. S.....	3.00
17	A. J. Shrum.....		Pub. notice.....	7.50
17	E. Looney.....		Pub. notice.....	7.50
17	C. W. Fairchild.....		T. C. app.....	9.00
17	Jas. K. McClure.....		D. S.....	3.00
17	A. H. Hooker.....			
17	M. Swearingen.....		Hd. proof.....	16.90
17	John A. McMorris.....		Hd. app.....	16.00
17	Thos. L. Buckley.....	Ck.....	D. S. proof.....	200.00
17	Howard S. Tobey.....	Ck.....	D. S. proof.....	201.77
17	John L. Burris.....		T. C. proof.....	4.00
17	Ebenezer Cook.....		T. C. proof.....	4.00
17	Maud C. Gilman.....		Tree land.....	10.00
17	C. Raymond Davis.....		Tree land.....	10.00
18	John Ryan.....		Hd. proof.....	7.00
18	Larkin Lamb.....		Hd. proof.....	7.03
18	Godfried Geinther.....		Hd. proof.....	7.50
18	Alex. McCoy.....		Pre. proof.....	200.00
19	L. F. Castle.....	Ck.....	Com. Hd. proof.....	200.00
20	John Anderson.....		Com. Hd. proof.....	201.00
21	J. W. Waterman.....	Cash Ex- cess 200.	Fin. pr.....	80.25
23	Duncan McRea.....		D. S. proof.....	203.00
24	Edgar S. Barnes.....		T. C. app.....	14.00
24	John Berthold.....		Pub. notice.....	7.50
24	Harvey Blake.....		Hd. proof.....	8.40
24	Nye Rambo.....			
24	Clarence Platts.....		Hd. proof.....	17.02
24	Thos. Stewart.....		Hd. app.....	16.00
25	J. M. Fisher.....		T. C. proof.....	4.00

*List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890—Continued.*

Date.	Name.	Deposit.	Application.	Amount.
June 25	Warner A. Wren	Cash	Cash proof	\$200.00
25	Naomi Bamis		D. S.	3.00
25	M. T. Manning		T. C. app.	14.00
26	John R. Frazer			
26	Frank D. Cornett	Ck	Hd. proofs	13.00
26	Helen Russell			
26	John S. Brian	P. O	Hd. proofs	17.00
26	John Brown	Ck	Cash proofs	199.62
26	William Gilliam	Ck	Cash proofs	200.00
26	George Hansen	P. O	Hd. app.	16.00
26	Thos. Freeman	P. O	Hd. proof	6.90
26	Richard Hickson	Ck	Cash proof	192.00
26	Leslie Powell		Hd. proof	7.50
26	Abram C. Huff		T. C. entry	14.00
26	Basil Delore		Contest notice	10.00
26	Thos. B. Mark		Pub. notice	7.00
27	August Beckman	P. O	D. S.	3.00
27	Anderson Mott	Cash	D. S.	3.00
27	Richard H. Armsworthy	Ck. & cash	Cash proof	202.50
27	T. J. Sullivan	Cash	T. C. entry	14.00
28	Elge. M. Stevens	P. N	D. S.	3.00
30	Benj. T. Snell	Ck	Pub. notice	7.00
30	W. H. & Richd. Steinbach	Ck	T. C. entries	28.00
30	Thomas L. Bledsoe	Ck	Hd. app.	16.00
July 1	Henry C. Turner	Ck	Pub. notice	7.00
1	Mrs. Anderson			
1	J. S. & L. W. Paul	Ck	Hd. proof	21.75
1	Robert E. Campbell		D. S.	3.00
1	Edward Smith		D. S.	3.00
1	James Tolbert		Hd. app.	16.00
1	John R. Fisher		D. S.	3.00
2	Patrick Kelly		Deposit	10.00
2	James Connolly		Des't Ld. app.	8.75
2	Frank Shiffer		Hd. proof	8.45
2	Richard S. Snyder	P. O	Cash proof	200.00
2	Leslie Powell	P. O	Cash proof	150.00
2	John F. Hawk	P. O	D. S.	3.00
3	Carrie J. Pullen	P. O	D. S.	3.00
5	Robert P. Johnson	P. O	Hd. proof	7.60
5	Samuel G. Gerking	P. O	T. C. proof	4.00
5	Benj. C. Beaman		Hd. proof	7.50
5	T. J. Fryrear		D. S.	3.00
5	James Levely		Hd. proof	7.60
5	John J. Smith		Hd. proof	7.50
5	Wm. Retter		T. C. app.	14.00
7	Sallie C. Hodges	P. O	Hd. proof	7.00
7	F. C. Lacelle	P. N	D. S.	3.00
7	R. H. Volrath		Hd. proof	7.50
7	Geo. S. Pershin	Cash	T. C. app.	14.00
8	Mary A. Galbraith	Cash	D. S.	3.00
8	Joseph Whyte	Ck	H. D. proof	7.25
9	Caleb M. Busey	Cash	D. S.	5.00
9	John B. Stephens	P. O	T. C.	14.00
10	Mrs. A. Wright	P. O	D. S.	3.00
10	L. E. Donegan	P. O	D. S.	3.00
10	Peter Conroy	Ck	D. S. proof	200.00
10	M. A. Fairchild	Ck	D. S. proof	200.00
10	James Collins	Ck	D. S. proof	200.00
10	Sereno Williams	Cash	D. S.	3.00
10	Ziba Dimmick		D. S.	3.00
10	Milo Wood		Pub. notice	7.50
10	Thos. L. Stewart	Ck	Hd. app.	16.00
10	J. H. Wilson		Hd. app.	16.00
12	John E. Belshaw		D. S.	3.00
14	J. C. Hassler	Ck	Hd. app.	21.95
14	J. C. Hanber	Ck	D. S. app.	24.10
16	Andrew Carlson	Ck	Hd. app. proof	16.70
16	Hiram Tash	Ck	Hd. app. proof	
16	J. J. Donahoo	P. O	D. S.	3.00
16	C. S. Wright	Ck	Hd. app.	16.00
16	George Angell	Cash	D. S.	3.00
16	George W. Denham	Cash	D. S.	3.00
16	James Payne	Cash	Hd. app.	16.00
16	James Foley	Cash	D. S.	3.00
17	M. Murray	Cash	Hd. app.	16.00
17	Thos. Y. Sumner	P. O	D. S.	3.00
17	M. Murry	Cash	Hd. appn.	16.00
17	Thos. Y. Sumner	P. O	D. S.	3.00
21	Y. H. Bisbee	P. O	T. C. proof	4.00
22	Lawrence B. Coolby	P. O	D. S.	3.00
30	James Harvey	Ck	Hd. proof	7.25

*List of applications suspended to await joint action of register and receiver from April 14 to July 7, 1890—Continued.*

Date.	Name.	Deposit.	Application.	Amount.
July 31	Jerry Archer.....	P. O.....	T. C. app.....	\$14.00
Aug. 1	Mrs. Fredenburg.....	Cash.....	D. S.....	3.00
1	J. T. Lasley.....	P. O.....	T. C. entry.....	14.03
1	Jas. S. Breeding.....	P. O.....	Hd. proof.....	14.10
30	John B. Butler.....	.....	Pre. proof.....	203.00
30	C. D. Albaugh.....	Ck.....	D. S.....	3.00
30	R. H. Norton.....	Ck.....	Hd. app.....	16.00
30	J. Y. Moreland.....	Ck.....	T. C.....	16.00
30	Ray Knight.....	P. N.....	D. S.....	3.00
30	Geo. Aldredge.....	P. N.....	D. S.....	3.00
30	P. L. Frasier.....	Ck.....	D. S.....	3.00
30	Benj. N. Parker.....	P. O.....	Hd. app.....	16.00
30	Dillon Hoskins.....	Ck.....	Pre. proof.....	200.00

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., September 30, 1891.

SIR: In reply to your verbal communication relative to the compensation allowed Mr. John W. Lewis, register of the local land office at The Dalles, Oregon, for fractional quarter commencing April 17 and ending June 30, 1890, fiscal year 1890, I would state that Mr. Lewis was allowed the full compensation to which he was entitled under the law, which was salary at the rate of \$500 per annum (see section 2237, Revised Statutes, p. 392), amounting to \$103.03, according to Government salary table.

Under section 2243, p. 393, Revised Statutes, "the compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they respectively enter on the discharge of their duties."

From April 17 to June 30, 1890, there being no receiver of public moneys appointed by the President and qualified to succeed the late receiver, Mr. Thomas W. Slusher, who died April 3, 1890, the office was practically closed for business, as no business except clerical can be transacted without the joint action of both register and receiver; therefore there was no money received from cash sales or fees and commissions. See decision case of *Graham vs. Carpenter* (copy inclosed).

On the 7th of July, 1890, fiscal year 1891, Mr. Thomas S. Lang qualified and became receiver from that date, and no moneys had been received either for cash sales or fees and commissions from the date of Mr. Slusher's death, April 3, 1890, fiscal year 1890, until his successor duly qualified, July 7, 1890, fiscal year 1891.

Sections 2238, 2239, and 2240, Revised Statutes, pp. 392 and 393, prescribes the fees and commissions to which the registers and receivers are legally entitled in addition to salary, and as no moneys had been received until July 7, 1890, fiscal year 1891, there were no fees and commissions to which Mr. Lewis was entitled that could be applied to fractional quarter ended June 30, 1890.

Under decision of honorable First Comptroller of the Treasury (copy inclosed) section 2240, Revised Statutes, is decided to mean fiscal year and not calendar year; therefore any excess of maximum compensation earned in any one quarter of a fiscal year could only be applied to a deficiency of maximum compensation of any quarter of the same fiscal year.

Mr. Lewis's great error is in confounding the earnings of one fiscal year and making them apply to a deficiency in another fiscal year.

There is no doubt that Mr. Lewis as register performed a large amount of work during the period from April 17 to June 30, 1890, in receiving and filing entries, etc., pending the appointment of a receiver, and for which he has been inadequately compensated; but this office could only allow him what the law and the reviewing officer's, the honorable First Comptroller of the Treasury, interpretation of the law decided that he was legally entitled to.

The letter of Mr. John W. Lewis is herewith returned.

Very respectfully,

THOS. H. CARTER,  
Commissioner.

Hon. JOSEPH N. DOLPH,  
United States Senate.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., January 20, 1886.

SIR: In reply to your communication of the 8th instant, in reference to the account of E. G. Swanstrom, late receiver at Duluth, Minn., for the quarter ending June 30, 1884, and your request for the decision of this office upon certain questions raised therein, I have the honor to inform you as follows:

"First. Do the fees prescribed by section 2238, Revised Statutes, attach to the office or to the officer?"

The maximum compensation allowed to each register and receiver by section 2240 is \$3,000 a year, and for any one-quarter or fractional quarter a pro rata allowance of such maximum. Section 2241 directs that whenever the compensation exceeds the maximum the excess shall be paid into the Treasury as other public moneys. This indicates plainly that the "fees" do not attach to the officer, and it is believed that these two sections are too clear to permit of any other construction than that the fees and commissions attach to the office.

"Second. Is a register or receiver entitled to any of the fees received in the office during any part of the term of his predecessor or successor?"

Clearly he is not. There would be no reason or justice in allowing a register or receiver, as the case may be, compensation for the burdens and services performed by another, nor in allowing him the benefits or emoluments of a public office for any period longer than which he is the official head and performs the functions of the office. Furthermore this could not be done without a direct violation of section 2243, Revised Statutes, act 24 February, 1855. There is, however, a special act allowing this to be done in the case of the accounts coming under the Internal Revenue Bureau. (See section 3147, Revised Statutes, act 30 June, 1864.)

"Third. Does the term 'year,' referred to in section 2240, Revised Statutes, mean a calendar or a fiscal year?"

It is held by this office to mean a "fiscal year." Section 237, Revised Statutes, act 26 August, 1842, states that in all matters of accounts, receipts, expenditures, etc., the fiscal year of the Treasury shall commence on the 1st day of July in each year, etc. Section 250, Revised Statutes, refers to the fiscal year, and provides when all accounts for the expenditure of public moneys shall be settled, etc. Reference is also made to section 3146, Revised Statutes. There is a clear implication that wherever the term "year" is used, alone and unqualified in the Revised Statutes, that it is understood and intended to imply a "fiscal year," and "what is implied in a statute, pleading, contract, or will, is as much a part of it as what is expressed" (2 Paine's Rep., 2, 251) *Koning vs. Bayard*; (10 Wend., 218) *Rogers vs. Kneland*.

But I do not place my decision upon this ground alone. I am of the opinion that the point in question is settled most forcibly and conclusively by light of the custom which Congress has in making appropriations by the "fiscal year"; hence the phrase "fiscal year" is but a fair and reasonable interpretation of the term "year" in section 2240, Revised Statutes, and it is self-evident that this was the intention of Congress. A "thing within the intention of the makers of the statute is as much within the statute as if it were within the letter." (3 How. 565, *United States vs. Freeman*.)

Your ruling in the settlement of the account referred to agrees with the decision of this office, and is accordingly affirmed. The papers accompanying your letter are herewith returned.

Very respectfully,

M. J. DURHAM,  
Comptroller.

Hon. WM. A. J. SPARKS,  
Commissioner General Land Office, Department of the Interior.